

111TH CONGRESS
1ST SESSION

H. R. 3381

To amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2009

Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNERNEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SPEIER, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. LANCE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect America’s
5 Wildlife Act of 2009”.

6 **SEC. 2. ADDITIONAL PROHIBITIONS.**

7 Section 13(a) of the Fish and Wildlife Act of 1956
8 (16 U.S.C. 742j–1(a)) is amended—

9 (1) in paragraph (1), by striking “or” after the
10 semicolon;

11 (2) in paragraph (2), by striking “or” after the
12 semicolon;

13 (3) in paragraph (3), by adding “or” after the
14 semicolon;

15 (4) by inserting after paragraph (3) the fol-
16 lowing:

17 “(4) knowingly violates any regulation promul-
18 gated under this Act;” and

19 (5) in the matter following paragraph (4) (as
20 inserted by this section), by striking “\$5,000” and
21 inserting “\$50,000”.

1 **SEC. 3. EXCEPTIONS TO PROHIBITIONS.**

2 Section 13(b) of the Fish and Wildlife Act of 1956
3 (16 U.S.C. 742j–1(b)) is amended—

4 (1) in paragraph (1), by striking “This section”
5 and inserting “Subject to paragraph (3), this sec-
6 tion”;

7 (2) in paragraph (2)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “issues a permit referred to in”
10 and inserting “authorizes an employee, agent,
11 or person operating under a license or permit to
12 take an action under”;

13 (B) in subparagraph (A), by striking “to
14 whom a permit was issued” and inserting “so
15 authorized”;

16 (C) in subparagraph (B), by striking
17 “thereunder”;

18 (D) in subparagraph (C), by striking “to
19 whom a permit was issued”; and

20 (E) in subparagraph (D), by striking
21 “issuing the permit” and inserting “authorizing
22 the action, including, for actions intended to
23 protect land, water, or wildlife, the scientific
24 basis for the actions so authorized”; and

25 (3) by adding at the end the following:

1 “(3) ENHANCING THE PROPAGATION AND SUR-
2 VIVAL OF WILDLIFE.—No person exempted under
3 paragraph (1) may shoot, attempt to shoot, or har-
4 ass any wolf, bear, or wolverine for the purpose of
5 enhancing the propagation and survival of wildlife,
6 including game populations, unless—

7 “(A) the head of the fish and wildlife agen-
8 cy of the State and, for game populations on
9 land under the jurisdiction of the Department
10 of the Interior, the Secretary of the Interior, or
11 for game populations on land under the juris-
12 diction of the Department of Agriculture, the
13 Secretary of Agriculture, determines, based on
14 the best scientific data available, that—

15 “(i) a biological emergency is immi-
16 nent; and

17 “(ii) all other practicable means to
18 prevent the biological emergency, including
19 stopping regulated takes of the declining
20 population, have been implemented;

21 “(B) the action is carried out—

22 “(i) by an officer or employee of—

23 “(I) the fish and wildlife agency
24 of the State; or

1 “(II)(aa) for game populations
2 on land under the jurisdiction of the
3 Department of the Interior, the De-
4 partment of the Interior; or

5 “(bb) for game populations on
6 land under the jurisdiction of the De-
7 partment of Agriculture, the Depart-
8 ment of Agriculture; and

9 “(ii) only in the specific geographical
10 area in which the imminent biological
11 emergency is located; and

12 “(C) the action results in the removal of
13 not more than the minimum number of preda-
14 tors necessary to prevent the biological emer-
15 gency.

16 “(4) EXCEPTION RELATING TO ACTIONS AU-
17 THORIZED BY SECRETARY OF THE INTERIOR.—The
18 Secretary of the Interior may authorize any action
19 described in subsection (a)—

20 “(A) to prevent the extinction of a species
21 that is listed as a threatened species or endan-
22 gered species under section 4(c)(1) of the En-
23 dangered Species Act of 1973 (16 U.S.C.
24 1533(c)(1)); and

1 “(B) if the Secretary of the Interior deter-
 2 mines that there is no other means available to
 3 address the threat of extinction of the species
 4 described in subparagraph (A).”.

5 **SEC. 4. DEFINITIONS.**

6 Section 13 of the Fish and Wildlife Act of 1956 (16
 7 U.S.C. 742j-1) is amended by striking subsection (c) and
 8 inserting the following:

9 “(c) DEFINITIONS.—In this section:

10 “(1) AIRCRAFT.—The term ‘aircraft’ means
 11 any contrivance used for flight in the air.

12 “(2) BIOLOGICAL EMERGENCY.—The term ‘bio-
 13 logical emergency’ means the likely extirpation or a
 14 significant and imminent threat to the sustainability
 15 of a wildlife population due to predation by wolves,
 16 bears, or wolverines (or any combination thereof).

17 “(3) HARASS.—The term ‘harass’ means—

18 “(A) chasing or exhausting an animal; and

19 “(B) such other activities as are deter-
 20 mined by the Secretary.”.

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